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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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INDIA: Independence of lawyers and judges at the forefront

The Asian Legal Resource Centre (ALRC) requests the attention of the United Nations Human Rights Council to the status of independence for lawyers and members of the judiciary in India.

In January 2018, an unprecedented event took place in India – 4 of the senior-most judges of the Supreme Court of India, India's apex court held a press conference, expressing their discontent at the way the Chief Justice of India was allotting cases, hinting at a lack of transparency. They stated that India's democracy will not survive unless the judiciary is preserved, and that the Supreme Court's administration is not in order. Transparency in the higher judiciary, both in the matter of appointment of judges as well as in the allocation of cases have come under the scanner earlier. The revolt of the judges opened the floodgates to many a fiery discussion and calls for reform of the institutions.

The judges revolt has its roots in another shocking case – the mysterious death of Justice Loya, a judge of a CBI court that was hearing a fake encounter case (i.e. the Sohrabuddin Sheikh case) and the subsequent alleged cover-up by hospital and police authorities. The Judge Loya case too highlighted the ills plaguing the judiciary in India and the many ways in which the institution can be captured and abused, to deny human rights to the people, especially those who are courageous enough to access our crumbling justice system.

The ALRC calls on the Special Rapporteur on the independence of judges and lawyers, and the UN Human Rights Council, to engage with the Indian government on this important issue and encourage transparency and accountability within the Indian judiciary.